



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,102	06/25/2003	David Allen Janson	202-1579	4202

28866 7590 09/29/2004

MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

EXAMINER

ESTREMSKY, SHERRY LYNN

ART UNIT PAPER NUMBER

3681

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,102

Applicant(s)

JANSON ET AL.

Examiner

Sherry L Estremsky

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 7-18, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 5, 6 and 19-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6-25-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 21 is objected to because of the following informality: in line 3, "sped" should be --speed--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 6, 19, 20, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 5 and 6, "a second pinion and second gear" is indefinite. This phrase distinctly claims only one pinion and one gear, but suggests that there are two pinions and two gears. Since no first pinion and first gear was previously claimed ("a first pinion and first gear" appear in claims 3 and 4), it is not clear how many pinions and gears are being claimed.

In claim 19, line 2, it is not clear if "a second pinion" is intended to be claiming one or two pinions.

Art Unit: 3681

In claim 19, line 6, "first gear" is indefinite because it lacks antecedent basis.

In claims 20 and 21, it is not clear how many pinions and gears are being claimed by "a third pinion and second gear".

Allowable Subject Matter

3. Claims 1-4, 7-18, 22, and 23 are allowed.
4. Claims 5, 6, 19, 20, and 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
5. The following is a statement of reasons for the indication of allowable subject matter:

No reference nor combination of references was found which teaches a method for producing a speed ratio change in a transmission having primary and secondary layshafts, including providing a primary power path between the input and the primary layshaft at a first speed ratio and providing a one-way drive secondary power path between the input and the secondary layshaft at a ratio equal to or less than the first speed ratio, wherein the primary layshaft is used to achieve the final speed ratio, as required by claims 1, 9, and 15.

No reference nor combination of references was found which teaches a method for producing a speed ratio from an off-going speed ratio to an on-coming speed ratio in a power transmission, including connecting an input and output through a secondary power path at a speed ratio equal to or less than the off-going speed ratio produced through a primary power path and establishing a potential drive connection between the input and output through the primary power path at the oncoming speed ratio, as required by claim 11.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent 4,463,621 (Fisher) August 1984 - discloses a transmission with two layshafts and two input shafts which provide two power paths to assist in synchronization during a speed ratio change by allowing potential drive connections to be established during a shift.

U. S. Patent 4,594,908 (Akashi et al.) June 1986 - discloses a transmission which uses friction clutches and one-way clutches to provide two power paths during shifting.

U. S. Patent 4,876,907 (Andersson et al.) October 1989 - discloses a transmission with two layshafts providing two power paths. One layshaft includes a central synchronizing device, which includes a coupler and two gears used to provide a potential drive connection, allowing preselection of the on-coming speed ratio.

U. S. Patent 6,186,029 (McQuinn) February 2001 - discloses a transmission which uses two independent drive paths to assist in shifting from one speed ratio to another.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherry L Estremsky whose telephone number is (703) 308-2164. The examiner can normally be reached on Tuesday and Friday from 7:30 a.m. to 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (703) 308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SLE


SHERRY ESTREMSKY
PRIMARY EXAMINER
AU3681 9-24-04